

UNITED STATES FEDERAL DISTRICT COURT  
District OF ALASKA

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JUN 05 2007

CLERK, U.S. DISTRICT COURT  
ANCHORAGE, A.K.

June 1, 2007  
LEWIS DEANS

3:05-cv-00283 TMB

VS

ANCHORAGE SCHOOL DISTRICT ET'ALL

**MOTION OF RECONSIDERATION**

- 1. Plaintiff is entitled to Automatic Injunction based on 1415(e)(3) Supreme Court case – law- evidence.**
- 2. Defendants did not answer the specificity of the Verification of Summary Judgment so plaintiffs won. As defendants did not meet more then a preponderance burden and defendants attorney contradicted the existence by first acknowledging an I.E.P. then lying in reaction, of it being nonexistent. Plaintiff submitted evidence. On these grounds alone, any child could see defendants clearly violating and lying, and manipulating spirit and purpose of IDEA contractual purpose.**
- 3. Hearing officer dismissed case in May 2006 in which plaintiffs made a timely appeal within 30 days which can be substantiated by court responding documentation. 4. Plaintiff isn't required to violate 1415(e)(3) in the exhaustion of administrative remedies, which means the futility exception has absolution. As burden rest on defendants. 1415(e)(3) establishes plaintiffs' right to stay provision before exhaustion of administrative remedies, not after. Therefore plaintiff is entitled Automatic Injunction, especially when procedural safeguards are breached statutorily in the process of due process and the state complaint has already proven Administrative breach which violated time issues, and breached statues. Which gave**

**further absolution of futility which plaintiff is not required by law to endure in exhaustion of administrative remedies when the filing of due process, and administrative complaint has already been exhausted by futility.**

**Since this was not only a complaint of the methodology of the I.E.P., But serious complaint of breach, resulting in denial of existence of IDEA eligibility rights, without substance, agreement, testing, and in the face of insurmountable evidence of IDEA eligibility, with no contrary agreement, or age out, or 1415(e)(2) preponderance burden met. This is unlawful, it violates the total purpose and spirit of IDEA, and it is a serious breach! Administrative remedies, are procedures, not constant breaches resulting in futility, with no purpose but States vast power of imposition to deny Congressional given rights and mandates?**

**5. Presiding judge over this case is following the previous judge who refused Informa Pauperis 25 weeks in obstructing due process by delays unfounded on anything, but judicial activism, participating and encouraging denial of Habeas Corpus.**

**6. For plaintiff to request enforcement of something plaintiff already has been given by Supreme Court case law, then to have it dismissed without prejudice, is frivolous and is designed to deny, and suspend my IDEA eligibility rights. Therefore it is unlawful and unconstitutional. It has no grounds; it is lacking substantial law and ignoring United States Constitutional Rights and Rule of Law. The only clear causation of dismissal is judicial activism. However plaintiffs have substantial documentation of evidential merit that would prevail over any attempt at obstruction of justice by state officials and judicial activists who are violating my rights to Habeas Corpus §4<sup>th</sup> and §5<sup>th</sup> Amendment rights. §13<sup>th</sup> and §14<sup>th</sup>**

**amendment rights to equality under the law and right to due process. 7. The unlawful dismissal without prejudice encourages the breaching of Federal Contracts by school systems, which is a stealing of federal tax money and encourages the 60 percent 9<sup>th</sup> grade dropout rate in Alaska. Tax payers do not pay judges salaries to rule on something already established by Supreme Court law where judicial discretion has no place, except to cause upheaval of laws and overreach beyond the bench to obstruct justice while participating in educational assassination by ignoring pre established mandates and laws while usurping Supreme Court case law. Plaintiff has transcripts on similar issues of this case from a hearing in Vermont District Court which a state official documents an existing I.E.P. on transcribed record. Which is proof of stay- put because of a transcribed disagreement to change IDEA eligibility, which has been established for years. Also the right to reopen the case in Alaska if necessary is also supported by several court documents from plaintiffs and Federal District Court documents from Vermont. I am requesting Motion of Reconsideration as it was dismissed absent of law and for frivolous reasons that do not meet the weight of Supreme Court 1415(e (3)) Also that if the judge on this case has personal affiliation or political aspiration that would interfere with him upholding Supreme Court law, who now give parental rights to defend IDEA RIGHTS, then he should recuse himself and not participate in unlawful judicial activism that is unconstitutional and is disrespectful of our citizens, founding fathers and Constitutional §1983. Personal Judicial Bias has no place, especially when it declares the Constitution null and void.**

*Luz Deun*

6-5-07